

REMARKS

I. INTRODUCTION

In response to the Office Action dated October 26, 2009, the advisory action dated January 11, 2010, and in conjunction with the filing of a Request for Continued Examination, claims 110 and 119 have been amended. Claims 110-127 remain in the application. Entry of these amendments, and re-consideration of the application, as amended, are respectfully requested.

II. CLAIM AMENDMENTS

Applicants' attorney has made amendments to the claims as indicated above. Unless otherwise indicated, these amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

III. INDICATIONS IN THE ADVISORY ACTION

In box 3 of the Advisory Action, the previously proposed amendments were not entered because the amendments raised new issues that would require further consideration and/or search, and because the previously proposed amendments were considered to raise the issue of new matter.

Applicants submit the amendments previously presented herein in conjunction with a Request for Continued Examination. Applicants also traverse that the amendments raise the issue of new matter.

Specifically, the Advisory Action states that "Applicant's disclosure however does not appear to provide support for the step of activating...preference for criteria to selectively terminate and erase the recording of a program that is identified as a duplicate."

Applicants point to the specification, specifically paragraphs [0060] – [0064] and [0133] – [0135] as follows:

[0060] Enhancing the electronic program guide 80 are tags. A tag includes data that is associated with or otherwise describes content. For example, a tag may indicate which actors are in a particular movie, the director of the movie, a synopsis of the movie, when it was released, critical reviews of the movie, related programs, sequels, keywords, a thumbnail, a preview, a snippet, or other information concerning or relating to the content. The tags may be in-band or otherwise transmitted along with the content. Alternatively, the tags may be associated with the program or otherwise sent separately such as with an electronic program guide.

[0061] Step 310 scans the electronic program guide 80 for content that has been

tagged. In other words, step 310 searches or scans through the electronic program guide 80 for any content that has an associated tag. **Step 320 allows the user to manually input selection criteria. These selection criteria are preferably based on the scope of the tags. In other words, if the tags are limited to actors and actresses, then the selection criteria may be similarly limited since other criteria would not effect the content selection. In this way, the user can manually input one or more selection criteria in order to search for desired content.** This search may return a list or group of programs all of which may be recorded or which may be provided to the user for selection where only the selected content is recorded. This selection may be done by repeating step 300.

[0062] To further enhance the electronic program guide, step 330 tracks selected content and/or selection criteria. In other words, previously selected content may be tracked or otherwise stored by the control unit by the storage device 200. **Also, previously input selection criteria may also be tracked or otherwise stored by the control unit 70 in the storage device 200. By tracking selected content and/or selection criteria, the electronic program guide 80 may learn the user's preferences and thereby speed the content selection process.**

[0063] **However, the consumer may not desire this tracking to be utilized. Thus, step 340 decides whether the consumer wants to add the tracked information to the selection.** This may be done, for example, by prompting the user and inputting a command via the user interface 90. As another option, a default option may be utilized to make the decision of step 340.

[0064] If the tracked information is to be added to the selections, then step 350 is performed which updates the selections with the tracked information. In this way, a variety of content selections appropriate to and personalized to the consumer can be generated. The selection may be further managed by rearranging, deleting or by adding further selection by repeating the process shown in FIG. 3. The selection(s) may be presented to the user for modification(s). Alternatively, the system may simply retrieve the selections without user modification(s) to the selection(s).

[0133] **Another feature of the control unit 75 is the implementation of a duplicate episode filter. This feature of control unit 75 tracks the list of recorded programs for duplicates when a record operation is initiated. When a user selects a record operation, the control unit 75 references the storage devices 205, 255, to check certain characteristics of the selected program to be recorded with the information stored in memory devices 210, 215, 220, 225 . . . 230, 235. If a match is determined, a notification may visually be displayed for the user.**

[0134] **In order to identify a match, characteristics such as the tag information described above, or unique call numbers may be compared.** In one exemplary embodiment, the first display unit 271 or second display unit 272 may display the characteristics of the selected program to record with the best match in memory in a side-side fashion, for ease of comparison by the user. Alternatively, the user may be

prompted with the notification and the option to view the possible match so as to confirm that the user is about to record a duplicate of a recorded program.

**[0135] Additionally, the user may be provided with a halt recording option if the duplicate episode filter feature has identified a match, where the control unit 75 sends a prompt or notification after the match, asking the user if they would like any or all portions of the duplicate episode to be erased.**

Alternatively, the user may activate an automatic preference to have the control unit 75 erase any recording of a program that is identified as a duplicate episode by the duplicate episode filter feature. (Emphasis added).

Applicants thus believe that the specification as filed, at least in the locations mentioned herein, support the limitation of activating a preference for criteria to selectively terminate and erase the recording of a program that is identified as a duplicate as recited in the claims of the present invention, and that no new matter has been added by the amendments presented herein.

#### IV. PRIOR ART REJECTIONS

In paragraph (3) of the Office Action, claims 110-113, 117-122, 126 and 127 were rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of Browne et al., WO 92/22983 (Browne), Knudson, U.S. Publication 2005/0204388 (Knudson) and Hoffberg et al, U.S. Patent 5,901,246 (Hoffberg).

In paragraph (4) of the Office Action, claims 114-116 and 123-125 were rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of Browne, Knudson, Hoffberg and Vallone et al., U.S. Patent 6,847,778 (Vallone).

Applicants respectfully traverse these rejections.

##### The Browne Reference

Browne teaches teaches a large capacity, random access, multi-source recorder player. The Office Action admits that Browne does not teach or suggest tracking a list of recorded programs for duplicates when the record operation is initiated and activating a previously selected user identified preference to selectively erase the current recording of a program that is identified as a duplicate (see Office Action, page 3, lines 1-4).

### The Knudson Reference

The Knudson reference is cited as teaching allowing a user to indicate a recording preference for programs. The only location that the program type 147 is mentioned in Knudson is in [0085] as follows:

[0085] In addition to episode/series record option 142, program record screen 140 may also contain other user-selectable record options, **provided that the selected program is a program series and the user has selected to record the entire series. These record options allow the user to specify which episodes of the program series the user wishes to record.** For example, program record screen 140 may contain program channel option 145, program day option 146, and program type option 147. **However, these record options may not be selectable by the user if the selected program is a single broadcast event or if the selected program is a program series and the user wishes to schedule a recording for a single episode of the series.** At any time during completion of program record screen 140, the user may cancel the record order by selecting cancel option 148. Selecting cancel option 148 returns the user to display 70 of FIG. 6 or another previous screen. The user may also access program reminder screen 90 of FIG. 10 by selecting reminders option 149. Moreover, the user may deselect any previously selected option by positioning highlight region 95 on the selected option and pressing the enter button on remote control 40.

### The Hoffberg Reference

Hoffberg is cited as teaching maintaining a library of episodes of a series without duplicating episodes. Specifically, Hoffberg is cited as teaching:

A user interacting with the device intends to record a particular program, "Married With Children" (Fox, Sunday, 9:00 p.m., etc.) on its ever occurrence. This intent, however, **is to provide a full library of episodes, and not to duplicate episodes.** See Col. 79, lines 5-7.

The user having demonstrated a preference for "Married with Children", the **interface then characterizes the program.** This includes, for example, a characterization of the soundtrack, the background, foreground, actors and actresses present, credits, etc. The interface then attempts to correlate the features present in the reference selection with other available selections. This comparison may be with a preformed database, providing immediate results, or prospectively, after entry of the reference selection. Of course, a number of correlation functions may proceed simultaneously, and various choices may be merged to form a compound reference selection, any ambiguity in which to be later resolved. Further, as various "episodes" of the reference selection occur, the system appends and integrates the most recent occurrence with the stored reference information, thus updating the reference database.

**When an occurrence is identified, it is immediately buffered, until such time as the particular episode may be compared against previously stored**

**episodes.** If two identical broadcasts occur simultaneously, one may be selected, i.e., the one with the best reception. **When the episode is identified, if it is new, the buffered broadcast information is permanently stored; if it is previously stored, the buffer is flushed and the occurrence is further ignored as a "hit".** See Col. 81, line 45 – Col. 82, line 1 (emphasis added).

#### The Claims Are Patentable Over The Cited References

The claims of the present invention describe methods of processing available content. A method in accordance with one or more embodiments of the present invention comprises receiving the available content using one or more tuners, and performing a plurality of operations on the available content received from the one or more tuners, the plurality of operations including setting a user-identified preference for criteria related to the available content, the criteria comprising tags embedded in an electronic program guide, selecting at least one recorded event from the available content based on thumbnail, preview, or snippet, tracking a list of previously recorded programs for duplicates when a record operation for a current recording is initiated, and activating the previously selected user-identified preference for criteria to selectively terminate and erase the current recording of a program that is identified as duplicate.

The cited references do not teach or suggest the limitations of the present invention. Specifically, the cited references do not teach or suggest at least the limitation of setting a user-identified preference for criteria related to the available content, the criteria comprising tags embedded in an electronic program guide, and activating the previously selected user-identified preference for criteria to selectively terminate and erase the current recording of a program that is identified as duplicate as recited in the claims of the present invention.

The Office Action admits that Brown is silent on tracking and activating the preference. The Office Action relies upon Knudson to disclose a recording preference and Hoffberg to prevent duplication. Applicants traverse these characterizations of Knudson and Hoffberg.

Initially, Knudson and Hoffberg are related to “series” or “episodes” of television series. Nowhere do these references refer to a single event that may have been recorded before. However, even if Knudson and Hoffberg can be extended to such single event recordings, nowhere do these references use the electronic program guide tags, and a user-identified preference for which tags in the electronic program guide to use as a criteria for recording, much less to selectively use these tags to terminate and erase the current recording that is identified as a duplicate.

For example, the present invention allows a user to select an EPG tag based on a specific actor. If a previously recorded show has that particular actor in the show, regardless of whether it is

in the same series or not, the present invention would allow the user to select whether or not to terminate and erase the current recording that has the same actor tag. Nowhere do the cited references allow for such user control.

Instead, Knudson tries to fill in missing episodes of a series, and Hoffberg merely adds an analysis of a buffered series content (soundtrack, background, foreground, etc.) to see if it matches the soundtrack, background, foreground, etc., of a previously recorded show. Nowhere are the tags of an EPG mentioned in either reference, and nowhere is there a user-identified preference to selectively terminate and erase the current recording. Hoffberg automatically stops buffering upon a matching analysis (which may or may not actually be a duplicate, it is merely Hoffberg's best guess at a duplicate).

As such, the various elements of Applicants' claimed invention together provide operational advantages over the systems disclosed in Browne, Knudson, Hoffberg and Vallone. In addition, Applicants' invention solves problems not recognized by Browne, Knudson, Hoffberg and Vallone. The arguments and amendments made herein are supported by the specification as filed at least in paragraphs [0056] – [0066].

Thus, Applicants submit that independent claims 110 and 119 are allowable over Browne, Knudson, Hoffberg and Vallone and all other references previously cited. Further, dependent claims 111-118 and 120-127 are submitted to be allowable over the cited references in the same manner, because they are dependent on independent claims 110 and 119, respectively, and because they contain all the limitations of the independent claims. In addition, dependent claims 111-118 and 120-127 recite additional novel elements not shown by the cited references.

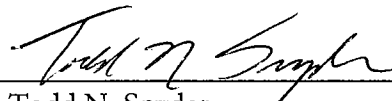
IV. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Should any fees be associated with this submission, please charge Deposit Account 50-0383.

Respectfully submitted,

Date: January 25, 2010

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